

## REMARKS

### *Summary*

Amended independent Claims 1, 7, and 10 each recite at least one feature not disclosed or suggested by the patents to Foley and Harris, et al. In addition, features of allowable dependent Claim 6 have been incorporated into new independent Claim 11, and new independent Claim 13 recites lens-unit features not disclosed or suggested by the patents to Foley and Harris, et al. Therefore, all of these independent claims are now in allowable form.

### *Status of the claims*

Claims 1-18 are pending. Claims 1, 2, 7, and 10 have been amended and Claims 11-18 have been added. Claims 1, 7, 10, 11, and 13 are independent.

### *Requested action*

Applicant respectfully requests the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

### *Request for clarification*

Paragraph 4 of the Office Action states that Claim 6 would be allowed if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph and to include all the limitations of the base claim and any intervening claims. But the Office Action never rejects Claim 6 under 35 U.S.C. § 112, second paragraph. Therefore, Applicant respectfully requests that the Examiner clarify the status of Claim 6.

Applicant has redrafted original Claim 6 in independent form as new Claim 11 and submits that Claim 11 is allowable because neither the Foley patent nor the Harris, et al. patent discloses or suggests that an optical filter as the environmental history indicator member is composed of an ND filter, copper phosphate glass, gelatin or optical glass having a refractive index of substantially 1.6 to 1.65 and an Abbe number of substantially 60, as recited by Claim 11. Therefore, the allowance of Claim 11 is respectfully solicited.

### *Rejections*

Claims 1-5 and 7-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,448,548 (Foley). Claims 1-3 and 7-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by the patent to Harris, et al.

### *Response to rejections*

In response, while not conceding the propriety of the rejections, independent Claims 1, 7, and 10 have been amended. Applicant submits that as amended, these claims are allowable for the following reasons.

Independent Claim 1 relates to an apparatus for indicating the history of the environmental conditions of the environment in which the apparatus is used to permit a determination of the level of deterioration of a recoverable and reusable unit of the apparatus and a determination of whether the recoverable and reusable unit can be recovered and reused. The apparatus comprises a recoverable and reusable unit, which is recoverable and reusable after use of the unit and the apparatus in the environment, depending on the level of deterioration of the unit, which depends on the history of environmental conditions of the environment in which the

apparatus was used. The apparatus also comprises an environmental history indicator member disposed inside the apparatus. The environmental history indicator member has a property variable in accordance with the history of the conditions in the environment in which the apparatus was used. The environmental history indicator member is arranged so as not to participate in any functions of the apparatus during use of the apparatus. The environmental history indicator member determines the degree of deterioration of the recoverable and reusable unit by permitting a determination of the value of the property thereof, variable in accordance with the history of conditions in the environment in which the apparatus was used. The environmental history indicator member also maintains the state of deterioration of the property.

Claim 1 has been amended to recite that the apparatus is for indicating the history of the environmental conditions of the environment in which the apparatus is used before a unit thereof is reconditioned for reuse. Claim 1 has also been amended to recite that the recoverable and reusable unit performs a function independent of determining the degree of deterioration of the recoverable and reusable unit. In addition, Claim 1 has been amended to recite that the environmental history indicator member determines the degree of deterioration of the recoverable and reusable unit before the unit is reconditioned for reuse.

In contrast, the patent to Foley relates to a steam sterilization indicator 1 that indicates whether an environment, such as a sterilizer, in close proximity to hospital utensils, such as surgical instruments, has undergone proper steam sterilization. The indicator comprises a backing 2 acting as a substrate for a tablet 4 that melts or fuses at a predetermined temperature and may include a heat stable dye that wicks onto and moves along a strip 5 when heated to the predetermined temperature. Because the indicator 1 functions during heat sterilization of the utensils, this patent does not disclose or suggest an environmental history indicator member that

determines the degree of deterioration of a recoverable and reusable unit before the unit is reconditioned for reuse, as recited by amended Claim 1.

The patent to Harris, et al. patent was cited at page 3 of the Office Action to show a first disk 18 and a second disk 20 of a device use indicator 16, which together comprise the recoverable and reusable unit as recited in the claims. Disks 18 and 20 can be attached to the toothbrush head 34 of an electric toothbrush 30. The chemicals in disks 18 and 20 are mixed after a predetermined amount of vibration of the head 34 to provide a visual indication that the head 34 should be replaced. But, disk 18 and disk 20 are not disclosed to have any function unrelated to their deterioration-degree-determining function. Therefore, disk 18 and disk 20 do not relate to a recoverable and reusable unit that performs a function independent of determining the degree of deterioration of the recoverable and reusable unit, as recited by amended Claim 1.

Since independent Claim 1 recites at least one feature not disclosed or suggested by the patents to Foley and Harris, et al., independent Claim 1 is not anticipated by these patents. And since independent Claims 7 and 10 have been amended in a similar manner, they are allowable for similar reasons.

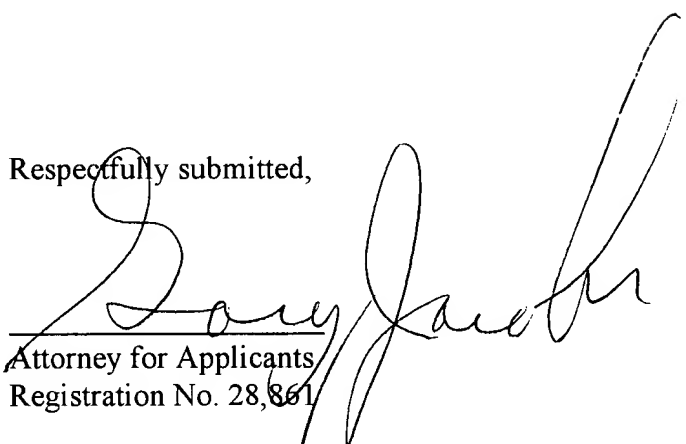
Independent Claim 13 relates to an apparatus including a lens unit which is recoverable and reusable after use. The apparatus comprises an environmental history indicator member disposed inside the apparatus, having a property variable according to an environmental history of use of the apparatus and being arranged so as not to participate in any functions of the apparatus during use of the apparatus. In contrast, neither the patent to Foley nor the patent to Harris, et al. relates to an apparatus including a lens unit which is recoverable and reusable after use, as recited by new Claim 13. For this reason, new Claim 13 is allowable over these patents, when either considered individually or in combination.

The dependent claims are allowable for the reasons given for the independent claims and because they recite features that are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

In view of the above amendments and remarks, the claims are now in allowable form. Therefore, early passage to issue is respectfully solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicants/  
Registration No. 28,861

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile No.: (212) 218-2200  
DC Main #130265